

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**Civil Action No. 04-12479 MEL**

**FALKEN INDUSTRIES, LTD. and  
ROY JANIS,**

*Plaintiffs,*

**v.**

**CHRISTIAN JOHANSEN and  
PATRICK SAUTIN,**

*Defendants.*

**ASSENTED TO MOTION FOR EXTENSION OF TIME  
FOR DEFENDANTS TO FILE OPPOSITION TO MOTION TO REMAND  
AND REPLY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

Defendants Patrick Sautin and Christian Johansen ("Defendants"), by their undersigned counsel, respectfully move the Court, pursuant to Fed. R. Civ. Proc. 6(b) and Local Rule 7.1(b)(2) and 7.1(b)(3) for enlargement of the time for Defendants to file their Opposition to Plaintiffs' Motion to Remand and Reply in Support of Defendants' Motion to Dismiss (if allowed). In support of this Motion for Extension, Defendants state as follows:

1. Plaintiffs filed their Complaint in state court on October 12, 2004.
2. Defendants removed the case to this Court on November 23, 2004.
3. Defendants filed their Motion to Dismiss or to Stay and Compel Arbitration on November 30, 2004.

4. Plaintiffs filed their Motion to Remand on December 14, 2004, and, upon information and belief, their Opposition to Defendants' Motion to Dismiss or to Stay and Compel Arbitration on December 15, 2004.<sup>1</sup>

5. Defendants' Opposition is due December 28, 2004, and its Reply, if allowed, is due five days from entry of the Court's Order granting leave to reply.

6. Plaintiffs' briefs are lengthy, raise numerous complex issues, and are accompanied by numerous lengthy exhibits and affidavits, including at least some documents that require translation from French into English.

7. The intervening holiday also presents a problem as Defendants' counsel will be out of town for several days. Defendants understand that Plaintiffs' counsel, too, will be on vacation for a period of time.

8. Defendants' counsel has conferred with Plaintiffs' counsel, and Plaintiffs assent to, and have no objection to, an extension of time for Defendants to file their Opposition to Plaintiffs' Motion to Remand and Reply in Support of Defendants' Motion to Dismiss (if allowed).

9. This motion for enlargement is not made for purposes of delay, but for good cause shown.

WHEREFORE, Defendants respectfully request an Order enlarging the time for Defendants to file their Opposition to Plaintiffs' Motion to Remand and Reply in Support of Defendants' Motion to Dismiss (if allowed). Defendants request that they be allowed to file the aforementioned briefs on January 5, 2005.

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<sup>1</sup> While Defendants were served with Plaintiffs' Opposition to Defendants' Motion to Dismiss or to Stay and Compel Arbitration on December 15, 2004, that document does not appear on the Court's PACER/ECF docket as having been filed.

Dated: December 20, 2004

Respectfully submitted,  
DEFENDANTS CHRISTIAN JOHANSEN  
AND PATRICK SAUTIN

By their attorneys,

/s/ Kurt B. Fliegauf

Thomas E. Peisch, Esq. (BBO #393260)  
Kurt B. Fliegauf, Esq. (BBO #564329)  
Amy C. Stewart, Esq. (BBO #655896)  
CONN KAVANAUGH ROSENTHAL  
PEISCH & FORD, LLP

Ten Post Office Square  
Boston, Massachusetts 02109  
Telephone: (617) 482-8200  
Facsimile: (617) 482-6444

OF COUNSEL:

John M. Majoras, Esq.  
JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2113  
Telephone: (202) 879-3939  
Facsimile: (202) 626-1700

Dustin B. Rawlin, Esq.  
JONES DAY  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114-1190  
Telephone: (216) 586-3939  
Facsimile: (216) 579-0212

Dated: December 20, 2004

Assented to by,

/s/ Carlo Cellai (by e-mail consent 12/18/04)

Carlo Cellai, Esq.  
James Furbush, Esq.  
Cellai & DeNauw, LLP  
76 Canal Street, Suite 402  
Boston, MA 02114  
Telephone: (617) 367-2199  
Facsimile: (617) 367-2075  
Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing on the following counsel of record on this the 20th day of December, 2004, via U.S. Mail, postage pre-paid:

Carlo Cellai, Esq.  
James Furbush, Esq.  
Cellai & DeNauw, LLP  
76 Canal Street, Suite 402  
Boston, MA 02114  
Attorneys for Plaintiffs

/s/ Kurt B. Fliegauf  
Attorneys for Defendants  
Christian Johansen & Patrick Sautin

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